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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,540	09/30/2003	Anthony J. Gounalis	L0562.70044US00	5964

7590 06/08/2005

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EXAMINER

SOTOMAYOR, JOHN B

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,540	Applicant(s) GOUNALIS, ANTHONY J.	
	Examiner John B. Sotomayor	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,8,9 and 12 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,7,10,11 and 13-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Handwritten initials: JLC

Handwritten number: 5-0-0

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 8, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhrdt ('622).

According to the remarks filed March 21, 2005 Applicant argues, inter alia, that the present invention is directed to a system that determines a receiver scan strategy for detecting emitters. Applicant's remarks state that "The summary may not apply to each of the independent claims, and the language of the independent claims may differ in material respects from the summary provided." It is argued that Claim 1 patentably distinguishes over the prior art since the prior art fails to disclose or suggest, determining, for at least one emitter, a period at which a jamming signal is applied and determining, for the at least one emitter, a detection period, wherein the act of determining the detection period is based on the period in which the jamming signal is applied." Applicant argues that the prior art does not disclose that the operation of the receiver used to detect signals from the victim is altered based on the operation of the jammer, thus the prior art does not disclose determining a detection period, based on the period in which the jamming signal is applied," as recited in claim 1. It is also argued

that the prior art does not determine a detection period for an emitter based on the period in which the jamming signal is applied. Some of the arguments are much more specific than what the claims actually recite. The claims are set forth in a broad manner so that it is difficult to appreciate the argued patentable distinctions over the prior art. As applied to claim 1, for example, the prior art meets the claim language in that a receiver is capable of detecting emitter signals while a jamming signal is applied. A receiver which detects a jamming signal will meet this claim language. Determining a detection period based on the period in which a jamming signal is applied is confusing at best and is unclear as to what Applicant is claiming to be the invention.

The claims, as best understood, are considered to be met by Kuhrdt ('622) who disclose a system for detecting emitter signals and for determining when a jamming signal is applied to the receive signal (see column 3, lines 48-60).

Allowable Subject Matter

3. Claims 3, 4, 6, 7, 10, 11, 13, and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art show various radar systems.

Art Unit: 3662

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Sotomayor whose telephone number is 571-272-6978. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom H. Tarcza, can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Sotomayor
Primary Examiner
Art Unit 3662